

ORIGINAL

In the United States Court of Federal Claims

-----X

Mitch Taebel,

Plaintiff.

v.

City of Los Angeles,  
District Attorney's Office

-----X

18-112  
Case \_\_\_\_\_

C

FILED

JAN 23 2018

U.S. COURT OF  
FEDERAL CLAIMS

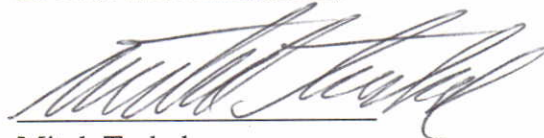
Complaint

This petition raises constitutional violations by the city to the U.S. Court. On February 1st 2013, petitioner was stopped by officers in a vehicle without probable cause. After communication with officer one, Officer two arrived at the scene was excessively aggressive and made an assault and arrest without probable cause in violation of 18 U.S.C. Section 242. Petitioner was then charged with due refusal (Exhibit C). Video shows the officers description of the incident inaccurate and shows the arrest was made without dui refusal (Exhibit B). Petitioner took a lab test after arrest as supporting evidence against the arrest (Exhibit A).

Petitioner claims 500,000,000.

Dated: January 14, 2018

In Oath and Affirmation,



Mitch Taebel  
2020 Golden gate Dr.  
Long Beach, IN 46360

RECEIVED - USCFC

JAN 23 2018

**Exhibit A**

**ARCpoint labs - Los Angeles**

2320 S. Robertson Blvd.,  
Suite 201  
Los Angeles, CA 90034  
(310)862-4333

To: ARCpoint Los Angeles  
2320 S Robertson Blvd.,  
Suite 201  
Los Angeles, CA 90034

**Forensic Drug Testing Report****- Confidential -***This is a notification of a controlled substance test result on:*

**Individual Tested:** Mitchell Taebel  
**Donor ID:** 308-08-2497  
**Collection Site:** ARCpoint Los Angeles  
2320 S. Robertson Blvd.,  
Suite 201  
Los Angeles, CA 90034  
(310) 862 - 4333

**Reason for Test:** Other  
**Specimen ID#:** 2015700201  
**Date of Collection:** 02/04/2013 Time: 1405  
**Lab Accession #:**  
**Lab Report Date:** 02/05/2013 Time: 1520  
**Specimen Type:** Urine  
**Drug Panel:** 10 panel urine lab

**Laboratory:** Clinical Reference Labs  
8433 Quivira Road  
Lenexa, KS 66215

**Substances included in test profile:**

<u>Drug</u>	<u>Screen</u>	<u>Confirm</u>	<u>Quant</u>	<u>Drug</u>	<u>Screen</u>	<u>Confirm</u>	<u>Quant</u>
Amphetamines	1000ng/mL	500ng/mL		Barbiturates	300ng/mL	200ng/mL	
Benzodiazepines	300ng/mL	200ng/mL		Cocaine/Metabolites	300ng/mL	150ng/mL	
Marijuana	50ng/mL	15 ng/mL		Methadone	300ng/mL	200ng/mL	
Methaqualone	300ng/mL	200ng/mL		Opiates	2000ng/mL	2000ng/mL	
Phencyclidine	25ng/mL	25ng/mL		Propoxyphene	300ng/mL	200ng/mL	

**The Lab result is:** \*\*\*Negative\*\*\*

**Comments:**

## Exhibit B

BOOKING NO. 3450021		Case 1:18-cv-00112-PEC Document 1-1		FILED 01/23/18 Page 5 of 17		ARREST REPORT	
ARRESTEE'S LAST NAME FIRST MIDDLE		TARDELL MITCHELL TIMOTHY		RPT. RPT.		DR 1306 06303	
ADDRESS		607 S 10TH ST		STATE RI		LA	
CITY		CHICAGO		STATE IL		FBI	
SEX		M		BIRTHDATE		PROBATION #	
VEH. LIC. NO. W		STATE R.D. BLU		AKA LAST		CDC #	
ATP1194 CA 0645		OR NICKNAME		JUV. DETAINED AT		AD CHG.	
BIRTHPLACE		CHICAGO IL		JUV. DETAINED AT		AD CHG.	
DIVISION		US CT		TIME ARR.		TIME BKO	
LOCATION OF ARREST		ORANGE ST		BAIL		2210 2353	
TOTAL BAIL		15000		WARRANT NO		N	
MISD DUI		WARRANT NO		SOCIAL SECURITY NO.		308082497	
ARRAIGN. DATE		TIME		COURT		LOCATION CRIME COMMITTED	
SAA		SAA		R.D.		RESIDENCE PHONE NO	
EMPLOYER / SCHOOL		UNEMPLOYED		PHYS. OCC.		BEARD	
OCCUPATION / GRADE		PHOTOGRAPHER		EXACT LOCATION / DISPOSITION ARRESTEE'S VEHICLE		HOLD FOR	
CLOTHING WORN		HOLLYWOOD TOW		PASSENGERS		M F	
LIST CONNECTING RPTS. BY TYPE & IDENTIFYING NOS.		VEHICLE USED (YEAR, MAKE, MODEL, TYPE, COLORS, LIC. NO., ID MARKS)		DRIVING VEH. (DIRECTIONS & NAME OF STREET) AT OR BETWEEN STREETS		RETAINED CASH DEPOSITED	
COMPLAINTS / EVID. OF ILLNESS / INJ. BY WHOM TREATED		NONE		W/B HWO BC BTWN CA PALMAS / ORANGE		NONE	
INVOLVED PERSONS		Code: V: VICTIM W: WITNESS P/A: ARRESTING PRIVATE PERS. TO: TRUE OWNER R: PERSON RPTG. 459: S: PERSON SECURING D: PERSON DISCOVERING JUV: P: BOTH PARENTS G: GUARDIAN		NAME		V & WS SEX DESC D.O.B. ADDRESS CITY ZIP PHONE DAY X	
COMBINED CRIME REPORT		DATE AND TIME CRIME OCCURRED		TYPE PROPERTY		TOTAL DAMAGE TYPE PREMISES	
459 / BFV ONLY-POINT AND METHOD OF ENTRY		WEAPON / FORCE / INSTRUMENT USED		TRV / BFV ONLY - VICTIM (YR, MAKE, TYPE, LIC.)		MO (UNIQUE ACTIONS)	
COMBINED EVID. RPT.		USE THIS SECTION IN LIEU OF PROPERTY REPORT IF ONLY ONE ARRESTEE, NO GUN, AND NO MORE THAN 2 ITEMS OF EVID.		LOC. EVID. BKO. 10.10.00 GIVEN? Y		Preliminary Drug Test	
ITEM QUAN. ARTICLE		SERIAL NO./TYPE TEST OF DRUG		BRAND/DRUG WEIGHT UNITS		MODEL NO./DRUG TEST RESULT	
APPROVAL / REPORTING OFFICERS		SUPERVISOR APPROVING REPORT		SERIAL NO. 32719		RPT. SHEET ATTACHED	
DATE & TIME REPRODUCED		DIV. 0242 06		CLERK		REPORTING OFFICER(S)	
JUVENILE DISPO.		Petition Request: <input type="checkbox"/> DETAINED <input type="checkbox"/> RELEASED <input type="checkbox"/> NON-BOOK <input type="checkbox"/> NON-BOOK & WARR.		PROPERTY BOOKED? Y N		SUPERVISOR APPROVING	
FINAL CHARGE, IF DIFFERENT THAN ORIGINAL (SECTION, CODE & DEFINITION)		IF REFERRED, AGENCY & PERSON ACCEPTING REFERRAL		PROPERTY COMPLETED? Y N		JUV. COORD. REVIEWING	
11 <input type="checkbox"/> C & R		13 <input type="checkbox"/> EXON-INNOCENT		04 <input type="checkbox"/> CYA		16 <input type="checkbox"/> DCS	
12 <input type="checkbox"/> ACTION SUSP		14 <input type="checkbox"/> REL-INSUF EVID		03 <input type="checkbox"/> PROBATION		17 <input type="checkbox"/> FIRE DEPT.	
13 <input type="checkbox"/> COMMUNITY SERVICE		05 <input type="checkbox"/> OTH. LAW ENF. AGENCY		18 <input type="checkbox"/> JUV. TRAF. MISD.		19 <input type="checkbox"/> DEPT. MENTAL HEALTH	

ARREST REPORT

IN # 130201006028

DRIVING-UNDER-THE-INFLUENCE ARREST REPORT

ARRESTEE'S NAME (LAST, FIRST, MI) <b>Taebel, Mitchell T.</b>	BOOKING NO. <b>3450021</b>	T/C <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DRIVING ESTABLISHED BY OFCRS: 40300.5 <input checked="" type="checkbox"/> OBSERVATION <input type="checkbox"/> VC	WITS <input type="checkbox"/>
---	-------------------------------	--	---	----------------------------------

PERSONAL CONTACT:

ATTITUDE: Uncoperative	BREATH: No Odor	COORDINATION: Unsteady	CLOTHING: Blu shirt/ Blk shorts
FACE: Flush	SPEECH: Slurred	EYES: Red/ Watery	SHOE TYPE: Sandels

The Admonition of Rights was read verbatim per form 15.03 by: **Not Given**

INVESTIGATIVE QUESTIONS:

OBTAIN RESPONSES AFTER MIRANDA ADMONITION IS WAIVED. (Pre-arrest responses to questions shall be included in the narrative.)

ARE YOU TAKING MEDICINE OR DRUGS? WHAT KIND?		WHAT HAVE YOU BEEN DRINKING? HOW MUCH?		WITH WHOM WERE YOU DRINKING?	
WHERE (IF ABC LICENSED PREMISES, INCLUDE SPECIFIC INFO.)			TIME STARTED DRINKING?	TIME STOPPED DRINKING?	TIME NOW?
ACTUAL TIME?	WHERE WERE YOU STOPPED BY OFCRS?	WHERE WERE YOU GOING WHEN STOPPED?		WHAT HAVE YOU EATEN TODAY?	
WHERE DID YOU EAT?		WHEN?	WHEN DID YOU LAST SLEEP?	HOW LONG?	
DO YOU FEEL THE EFFECTS OF DRINKING? DESCRIBE THE EFFECTS.			IS YOUR DRIVER'S LICENSE PRESENTLY SUSPENDED? WHY?		IF T/C WHICH VEH. WERE YOU DRIVING?
HAVE YOU BEEN CONVICTED OF DUI? NO. OF TIMES		WHEN?	WHERE?		

FIELD SOBRIETY TEST ADMONITION (To be given only in case of a refusal to submit to a test)

The Field Sobriety Test is given to determine the extent to which alcohol and/or drugs have impaired your mental or physical processes. Your refusal to submit to all or part of the test WILL be commented on in court and a jury will be instructed that your refusal may show a consciousness of guilt on your part.

Will you take the test now? Response: "I'm not doing anything"

ADMNITION GIVEN BY: **Samuel** SERIAL NO.: **36406** (Language) \_\_\_\_\_

FIELD SOBRIETY TEST	TIME	ADMINISTERED BY	LOCATION	PARTNER
Are you sick or injured?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you epileptic or diabetic?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you under the care of a doctor or dentist?
Do you take insulin?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Do you have any physical defects?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Explain Yes answers completely in narrative.

STANDARDIZED FIELD SOBRIETY TESTS: (To be completed as test is administered) \*Must be completed

* EYE EXAMINATIONS		ROMBERG BALANCE	
HGN Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	VGN Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Internal Clock	
Lack of Convergence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Lack of Smooth Pursuit <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____ Estimated as 30 sec.	
Wearing Glasses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Additional Observations	Observations:	
Wearing Contacts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Refused	Refused	
Eye Problems? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

**\* WALK AND TURN**

○ Right foot △ Left foot

Cannot keep balance ☒

Starts to soon ☐

(Indicate which step(s))

1st Nine	2nd Nine
Stops Walking	
Misses Heel-Toe	
Steps off Line	
Raises Arms	
Actual Steps Taken	

Describe Turn:  
Refused

**\* ONE LEG STAND**

L R

☐ ☐ Sways while balancing

☐ ☐ Uses arms to balance

☐ ☐ Hopping

☐ ☐ Puts foot down

Additional Observations:  
Refused

**FINGER TO NOSE**

○ Right △ Left

Draw lines to spots touched

(L,R,L,R,R,L)

Additional Observations:  
Refused

DRIVING-UNDER-THE-INFLUENCE ARREST REPORT

ARRESTEE'S NAME (LAST, FIRST, MI) <b>Taebel, Mitchell T.</b>		BOOKING NO. <b>3450021</b>	DR. NO. <b>1306 06303</b>
MT INFO (LOCATION OBTAINED, DOCTOR, TREATMENT) <b>None</b>		DISPOSITION OF KEYS <b>OPG- Hollywood</b>	WIC APPROV. BOOKING <b>Sgt Jenneman</b>
TRANSPORTING OFFICER(S) IF OTHER THAN ARRESTING	1. NAME <b>Nichols</b>	SERIAL NO. AREA/DIVISION <b>34726 HWD</b>	2. NAME <b>Quals</b>
		SERIAL NO. AREA/DIVISION <b>41170 HWD</b>	

CHEMICAL TEST ADMONITION (23612 V.C.) I admonished the driver:

1. You are required by state law to submit to a chemical test to determine the alcoholic content of your blood.
2. You have the choice of taking a blood or breath test. WHEN APPLICABLE: Since you need medical treatment, your choice is limited to (test(s) name)

These test are only available at (FACILITY)

NOTE: If you take a breath test a sample will NOT be saved and you or your attorney will NOT have a breath sample to test for alcohol content. If you want any remaining sample saved for your use, you must choose to take a blood test which will be saved at no cost to you and may be tested by any party in any criminal prosecution.

3. If you refuse to submit to, or fail to complete a test, your driving privilege will be suspended for 1 year or revoked for 2 or 3 years. A 2 year revocation will result if the refusal occurred within 7 years of a separate violation of driving under the influence and/or such a charge reduced to reckless driving, or vehicular manslaughter which resulted in a conviction or an administrative determination that you refused testing or were driving with an excessive concentration of alcohol on a separate occasion. A 3 year revocation will result if you had more than one of these violations or administrative determinations within the last 7 years.
4. Refusal or failure to complete a test may be used against you in court. In addition, if you refuse to submit to a test or fail to complete a test, and you are convicted of driving under the influence of any alcoholic beverage or drugs, or any combination of these, your refusal will result in a fine and mandatory imprisonment.
5. You do not have the right to talk to an attorney or have an attorney present before stating whether you will submit to a test, before deciding which test to take, or during the test.
6. If you cannot complete the test you choose, you must submit to and complete a remaining test.

The Chemical Test Admonition was read to the arrestee by:

☐ Given in Language other than English

NAME **Samuel**

SERIAL NO. **36406**

(Language)

BREATH TEST	ADMINISTERED BY	LOCATION	OSBD FOR TEST PURPOSES (MINIMUM 15 MINUTES)	TIME FIRST SAMPLE TAKEN	ECAR INSTRUMENT NO.	EC/R READINGS
			FROM: TO:			

ADDITIONAL CHEMICAL TEST ADMONITION (23612 V.C.) (To be given after breath test if arrestee is suspected of driving under the influence of alcohol. Go to DRUG ADMONITION if drug use is suspected.)

1. As I explained to you, the breath sample which you have just taken will not be saved for you or your attorney to have tested for alcoholic content.
2. You may now take a blood or urine test which will be saved at no cost to you and which may be tested by any party in any criminal prosecution.

Do you wish to provide a blood or urine sample now?

ADDITIONAL ADMONITION READ BY SERIAL NO. ☐ Given in language other than English  
(Language)

Response:

DRUG ADMONITION (To be given after breath test if the arrestee is suspected of driving under the influence of drugs, or the combined influence of drugs and alcohol.):

1. The breath test you have just taken is designed to detect only the alcoholic content of your blood.
2. Because I believe you are under the influence of drugs or a combination of drugs and alcohol, you are required by state law to submit to a blood or urine test to determine the drug content of your blood.
3. (Admonishing Officer - Repeat items 3, 4, 5 and 6 from the Chemical Test Admonition.)

DRUG ADMONITION READ BY SERIAL NO. ☐ Given in language other than English  
NAME (Language)

Do you wish to provide a blood or urine sample now? Response:

BLOOD TEST	DRAWN BY	LOCATION	TIME SAMPLE OBTAINED	URINE TEST	ADMINISTERED BY	LOCATION	TIME BLADDER FIRST VOIDED	TIME SPECIMEN OBTAINED

NOTIFICATION OF REFUSAL TO SUBMIT TO OR COMPLETE CHEMICAL TESTING

At the time of arrest, I had reasonable cause to believe that the person arrested had been driving a motor vehicle in violation of Vehicle Code Section 23152 or 23153. This belief was established by the arrestee's objective symptoms as stated in this arrest report. The arrestee was admonished of the provisions of Vehicle Code Section 23612 as indicated in this report. The arrestee refused to submit to or complete required testing.

ARRESTEE'S VERBATIM STATEMENT OF REFUSAL OR REASON FOR REFUSAL. USE NO ABBREVIATIONS AND USE ARRESTEE'S EXACT WORDS, INCLUDING PROFANITY. IF NO STATEMENT WAS MADE, DESCRIBE ACTION OF ARRESTEE THAT INDICATED A REFUSAL.

"I'm not doing anything. I did not do anything wrong"

I certify under penalty of perjury that the information contained in this arrest report is true and correct.  
EXECUTED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, ON

DATE **02-01-13** ARRESTING OFFICER'S SIGNATURE:  SERIAL NO.: **36406** AREA/DIVISION: **WTD**

CIRCUMSTANCES OF ARREST: 1. Source of activity. 2. Observations (pre-arrest questions and responses, objective symptoms, etc. if driving not observed by officer-verbatim statements of wits establishing driving, include unusual behavior of arrestee during transportation, booking, etc. which would tend to corroborate officer opinion of impairment). 3. Arrest. 4. Booking. Add, when applicable: 5. Evidence. 6. Injuries. 7. Notifications. 8. Aggravated circumstances. 9. Additional (T/C summary, etc.).

"See page 4"

PAGE NO 4	DRIVING-UNDER-THE-INFLUENCE ARREST REPORT	BOOKING NO 3450021	DR NO 130606303
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**CIRCUMSTANCES OF ARREST:** 1. Source of activity. 2. Observations (pre-arrest questions and responses, objective symptoms, etc. if driving not observed by officer-verbatim statements of wits establishing driving, include unusual behavior of arrestee during transportation, booking, etc. which would tend to corroborate officer opinion of impairment). 3. Arrest. 4. Booking. Add, when applicable: 5. Evidence. 6. Injuries. 7. Notifications. 8. Aggravated circumstances. 9. Additional (T/C summary, etc.).

**DEFT:** Taebel, Mitchell T.

**DOB:** 09-01-86

**SOURCE OF ACTIVITY:**

On Feb 1, 2013 at approx. 2200 hours, my partners (Samuel #36406/ Clauss #35203) and I (Barr #36705) were assigned to West Traffic Division, working DUI team in Hollywood Division. We were in full uniform riding emergency equipped and marked black and white Police motorcycles. We were received a request for a DUI team to respond to the intersection of Hollywood Blvd and Orange Ave. Inc# 130201006028

**INVESTIGATIONS:**

Upon arrival we made contact with reserve Officers Ortiz (#R2826) and Nocket (#R1849) who advised they were W/B on Hollywood Blvd at Las Palmas when they observed a Blue Toyota traveling W/B in the #1 lane. The truck failed to proceed on a green light at Las Palmas in violation 22400 VC. Once the vehicle finally began to proceed, it began to straddle lanes in violation of 21658(a) VC. The Officers moved in behind the vehicle and it then began to negotiate numerous lane changes while too close to other vehicles in violation of 22107 VC. The Officers activated their emergency equipment (including forward facing red light) to affect an enforcement stop for the violations. The vehicle pulled to the right and stopped on Hollywood Blvd just W/O Orange Ave. Officers Ortiz made contact with the driver who appeared disoriented and fidgety. The driver immediately asked why he was being stopped and Officer Ortiz advised the driver of the violations and asked for his license. The driver slurred his words while speaking to Officers. Officer Ortiz asked the driver if he had been drinking and the driver stated, "No". He then asked the driver if he taken any drugs and the driver stated, "Not today". Due to the driving violations and observations of the driver, Officers requested the assistance of a DUI team.

As we were speaking with Officers Ortiz and Nocket, the driver began to exit the vehicle. Officer Ortiz observed what he believed to be a gun in the drivers' door panel as the door opened. Officers drew their weapons and ordered the driver to stop where he was. Officer Samuel then ordered the driver to put his hands out the window of the vehicle. The driver complied and Officers could then see that the driver was holding a black cellular phone in his right hand. Officer Samuel then ordered the driver to exit the vehicle and took the driver by his left wrist. The driver then immediately pulled away and attempted the retreat back into the vehicle. Officer Samuel opened the drivers' door and took the driver by the left arm and pulled him from the vehicle. The driver continued to pull away and tense up as he clinched his fist. Officers moved into position to assist in taking the driver into custody. The driver would not comply with the commands of Officers and was actively resisting. Officers initiated a controlled walk down of the driver and used the ground as a controlling agent to gain the drivers compliance. The driver was not injured during the walk down.

Once the driver was secured, I could see the signs of impairment consistent with drug use. The drivers' muscle tone was rigid, his pupils were dilated, his speech was rapid then slow and slurred. Due to the drivers aggressive actions and level of impairment Officers were unable to continue the field investigation.



PAGE NO <b>5</b>	<b>DRIVING-UNDER-THE-INFLUENCE ARREST REPORT</b>	BOOKING NO. <b>3450021</b>	DR # <b>1306 06303</b>
CIRCUMSTANCES OF ARREST: 1. Source of activity. 2. Observations (pre-arrest questions and responses, objective symptoms, etc. if driving not observed by officer-verbatim statements of wits establishing driving, include unusual behavior of arrestee during transportation, booking, etc. which would tend to corroborate officer opinion of impairment). 3. Arrest. 4. Booking. Add, when applicable: 5. Evidence. 6. Injuries. 7. Notifications. 8. Aggravated circumstances. 9. Additional (T/C summary, etc.).			

**PAS:**

Ofcr Clauss #35203 advised Deft of the opportunity to take a breath test in the field on a PAS device. Ofcr Clauss advised Deft that the test was voluntary. Deft agreed to take the Pas test. Ofcr Clauss administered the test twice on PAS device #005644. The first test #158 was given at 2237 hrs at 19 degrees (Celsius) with a result of insufficient sample. The second test # 159 was given at 2239 Hrs at 19 degrees (Celsius) with a result of .000 BAC.

**ARREST:**

Deft was placed under arrest for 23152 (a) CVC M-DUI @ 2210 hours and was transported to Hollywood Station by Officers Nickols #34726 and Qualls #41170. Deft was advised of the chemical admonition, per 23612 CVC and advised that he would not take the chemical test. Officer Samuel read the Deft the chemical test refusal and the deft replied, "I'm not doing anything". The Deft was then processed as a **DUI refusal**.

Officer Samuel admonished the suspect in an attempt to conduct a DRE evaluation. Suspect advised Officers that he would not comply with any test. Sgt Eun #30760 was notified and he gave the suspect the refusal admonishment. The suspect again advised that he would not comply with any test.

**PHOTOGRAPHS:**

One digital photo was taken of the drivers' door. Photo attached to report.

**BOOKING:**

The Deft was later booked on the above charge with the approval of the Hollywood W/C Sgt Jenneman #32769.

No warrants and one prior for 12500(a) VC/ Drive w/o license.

**EVIDENCE:**

None

**ADDITIONAL:**

The Deft's vehicle was impounded by Officers and removed from the scene by Hollywood Tow.

Request additional filing for: 21658(a) VC/ Lane straddling  
12500(a) VC/ No License  
22400 VC/ Impeding  
148 PC/ Failure to comply

PAGE NO. 6	<b>DRIVING-UNDER-THE-INFLUENCE ARREST REPORT</b>	BOOKING NO 3450021	DR NO 130606303
CIRCUMSTANCES OF ARREST: 1. Source of activity. 2. Observations (pre-arrest questions and responses, objective symptoms, etc. if driving not observed by officer-verbatim statements of wits establishing driving, include unusual behavior of arrestee during transportation, booking, etc. which would tend to corroborate officer opinion of impairment). 3. Arrest. 4. Booking. Add, when applicable: 5. Evidence. 6. Injuries. 7. Notifications. 8. Aggravated circumstances. 9. Additional (T/C summary, etc.).			

**COURT INFO:**

Barr: Invest / Arrest/ Reports  
Samuel: Invest/ Arrest/ DRE Eval  
Clauss: Invest/ Arrest/ Booking  
Ortiz: Observation of violations  
Nocket: Observation of violations  
Nickols: Transportation  
Quals: Transportation

INCH 6028

## CONTINUATION SHEET

Los Angeles Police Department

PAGE NO. <b>8</b>	TYPE OF REPORT <b>Drug Influence Evaluation</b>				BOOKING NO. <b>3450021</b>	DR NO. <b>06303</b> <b>1306</b>	
ITEM NO.	QU AN	ARTICLE	SERIAL NO	BRAND	MODEL NO.	MISC DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)	DOLLAR VALUE

**Location:**

This DRE Evaluation for Taebel, Mitchell was attempted at Hollywood Station.

**Witnesses:**

The Subject refused to complete the DRE Evaluation.

**Breath Alcohol Test:**

A breath alcohol test was not conducted due to the subject refusing. While at the scene Officer Clauss #35203 advised the subject of his opportunity to voluntarily provide a breath sample on a PAS device and he agreed. PAS Device #5644 test #158 at 2237 hrs at 19o was an insufficient sample. Test #159 at 2239 hrs at 19o provided a reading of .00% BAC.

**Notification and Interview of the Arresting Officer:**

I received a request for a DUI Officer to respond to Hollywood Bl and Orange Dr for a DUI driver. Upon arrival I met with Officer Ortiz R2826 and he advised me that they observed the subjects vehicle impeding traffic in violation of 22400 VC and he conducted multiple unsafe lane changes in violation 22658 (A) VC. The officers conducted a traffic stop on the vehicle for the violations. Upon making contact with e subject the officer observed the subject to display objective signs of intoxication red watery eyes, slow slurred speech, and he appeared to be agitated and evasive when asked questions. After obtaining the subjects info the officer walked away and requested a DUI unit to respond to conduct a DUI investigation.

**Initial Observation of Suspect:**

I observed the suspect sitting in his vehicle. While talking to Officer Ortiz I observed the subject open the driver side door and start to exit the vehicle. The subject was advised to close the door and he said something incoherent and slurred. Upon approaching the subject and attempting to have him exit the vehicle the subject became rigid and physically and verbally aggressive. His speech was loud, repetitive, and rapid, and his body became rigid and he became combative. The subject was removed from the vehicle where he continued to be aggressive and was later taken into custody (see arrest report for further info). After the subject was taken into custody his body posture remained rigid but he calmed down and began to speak in slow slurred speech.

**Medical Problems and Treatment:**

The subject advised he had no medical problems and was not taking any drugs or medication.

**Psychophysical Tests:**

The subject refused to complete any testing. I advised him of the SFST refusal admonition and he continued to refuse to complete any testing. I advised the subject that I believed he was possibly under the influence of an unknown drug and that I was going to conduct a Drug Evaluation and he refused to complete the Drug Evaluation. Sgt Eun #30760 advised the subject of the Refusal Admonition and he continued to refuse to complete the Drug Evaluation.

## CONTINUATION SHEET

Los Angeles Police Department						BOOKING NO.	DR NO.
PAGE NO.	9	TYPE OF REPORT				3450021	06303 1306
		Drug Influence Evaluation					
ITEM NO.	QUAN	ARTICLE	SERIAL NO	BRAND	MODEL NO.	MISC DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)	DOLLAR VALUE

**Clinical Indicators:**

The subject's pupils displayed a slow reaction to light, and were dilated above the normal range. I conducted a field pulse check and received a reading of 140 BPM which is above the normal range.

**Signs of Ingestion:**

None were observed.

**Suspect Statements:**

The subject stated "I haven't had any alcohol or drugs man. I don't do drugs."

**Opinion:**

I formed the opinion that subject Taebel was under the influence of a CNS Stimulant and was unable to safely operate a motor vehicle upon the roadway.

**Toxicological Sample:**

The subject refused to conduct the Drug Evaluation and also refused to provide a blood sample.

eFile ID: 49778

<b>SUPERIOR COURT OF CALIFORNIA</b> <b>COUNTY OF LOS ANGELES</b> <b>PROBABLE CAUSE DETERMINATION (DECLARATION)</b>			
PCD Type: Adult	Courthouse: Metropolitan	Location Booked: Hollywood Jail	
Booking No: 3450021	Arrest File No: <b>1306 06303</b>	Identifiers (CII, Jain, PDJ):	
Arrestee/Suspect (Last, First, Middle): Taebel, Mitchell		DOB: 09/01/1986	
Arrestee/Suspect's Residential Address:		Location Of Occurrence: Hollywood/ Orange	
Booking Charge(s): VC 23152(a)	<input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Infraction	Supplemental Holds/Warrants Charge:	
Date/Time of Arrest: 02/01/2013 10:10 PM	Expiration Date and Time: 02/03/2013 10:10 PM		
Arresting Agency/Division: Los Angeles Police Department	Arresting Officer(s): BARR JOSEPH	Employee No(s): 36705	
Supervisor Approving: <i>[Signature]</i> (JOSEPH BARR)	Employee No: 36769	Date/Time: 02/02/13 0205 NRS	Contact Phone No: (213) 972-2971
Facts establishing elements of offense(s)/violation(s). Information identifying /connecting arrestee/suspect by name with the violation(s) listed:  Deft observed traveling W/B on Hollywood Blvd straddling lanes in violation of 21658(a) VC. The suspect began making unsafe lane changes in violation of 22107 VC. Officers observed the objective signs of intoxication, red/watery eyes, slurred speech and unsteady gait. The Deft refused to perform the SFST and chemical testing. Officers formed the opinion that Deft was under the influence of an intoxicant and unable to safely operate a motor vehicle.			
<input checked="" type="checkbox"/> See Attached reports incorporated herein by reference.			
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.			
Executed on <u>02/02/2013</u> <u>01:59 AM</u> in the County of Los Angeles, California. (Date) (Time)			
/s/ JOSEPH BARR	JOSEPH BARR	36705	
(Signature)	(Print Name)	(Employee No.)	
<b>Telephonic Determination ONLY</b>  On _____, I was placed under oath and read the contents of the foregoing, including the contents of any attached reports or declaration, verbatim to the Honorable _____. The Judicial Officer advised me that there ( <input type="checkbox"/> ) IS ( <input type="checkbox"/> ) IS NOT probable cause to believe this arrestee has committed a crime. I declare under penalty of perjury that the foregoing is true and correct. Executed in Los Angeles County, California on _____ (Date) _____ (Signature) (Employee No.)		<b>Probable Cause Determination</b>  On the basis of either reports reviewed and/or officer's declaration I hereby determine that there ( <input type="checkbox"/> ) IS ( <input type="checkbox"/> ) IS NOT probable cause to believe this arrestee has committed a crime.  _____ (Judicial Officer's Signature) (Date)  _____ (Time)	

## CITY ATTORNEY DISCLOSURE STATEMENT

OFFICERS - FORM TO BE COMPLETED ON ALL FELONY AND MISDEMEANOR ARRESTEES  
 DETECTIVES - FORM TO BE FILED WITH CITY ATTORNEY ONLY  
 Answer all questions to the best of your personal knowledge.

Type of Report <b>Arrest</b>	Booking No. <b>3950021</b>	DR No. <b>130606303</b>
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1. Reports: To your knowledge, what reports (except personnel investigations) were prepared in relation to this investigation?
- ☒ Arrest ☐ Crime ☐ Property ☒ PCD ☐ Follow-up ☒ Vehicle (CHP 180) ☐ CHP 555  
☐ DMV-DS367 Other: \_\_\_\_\_

2. The following items exist: **Photographs** (include C#) \_\_\_\_\_ **Video tape** \_\_\_\_\_  
**Audio tape** (including officer's personal tape) ☐ YES ☒ NO Other: \_\_\_\_\_

3. Has there been or is there a pending Use of Force investigation? ☐ YES ☒ NO  
 If YES, provide the name and serial number of supervisor conducting investigation.

Name \_\_\_\_\_ Serial No. \_\_\_\_\_

4. List the NAME, ADDRESS, PHONE NUMBER and DATE OF BIRTH of all CIVILIAN WITNESSES not named in any report(s), whether interviewed or not.

Name	Address	Phone No.	DOB

5. List the NAME, SERIAL NUMBER, ASSIGNMENT and ROLE of all OFFICERS not named in the report(s) who were percipient witnesses or otherwise involved in this incident:

Officer Name	Serial No.	Assignment	Officer's Role

6. List the NAME, SERIAL NUMBER, DEPARTMENT/AGENCY and UNIT NUMBER of all FIRE DEPARTMENT and EMERGENCY MEDICAL PERSONNEL who responded to this incident, but were not named in any report(s):

Name	Serial No.	Department/ Agency	Unit No.

7. List any SUSPECT(S) STATEMENT(S) not included in any report(s):

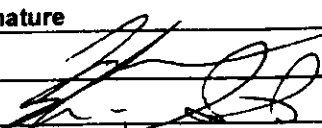


8. List any CIVILIAN WITNESS(ES) STATEMENT(S) not included in any report(s):

9. Are there any RETAINED OFFICER NOTES or DIAGRAMS not included in any report(s)? ☐ YES ☒ NO  
 If YES, identify:

Officer Name	Serial No.	Assignment	Item

10. List any known facts not included in any report(s) that might be considered as favorable to the defense or damaging to the prosecution, or which might negatively reflect on the credibility of any prosecution witness:

All of the answers to the above questions are true to the best of my personal knowledge.

Signature	Serial No.	Div. of Assignment	Role in Arrest	Date
	36705	WTD	Arrest/ Reports	02/01/13
	36406	WTD	Arrest/ DRE Eval	02/01/13
	35203	WTD	Arrest/ Booking	02/01/13

SEE DISTRIBUTION AT BOTTOM FOR NUMBER OF COPIES REQUIRED		DATE & TIME OF ARREST <b>2-1-13, 2200</b>		TIME OF INSPECTION/INTERVIEW BY WATCH COMMANDER (LAPD MANUAL 4/215) <b>2345 HRS</b>	
ARRESTEE'S NAME (Last, First, Middle) <b>TREBEL, MITCHELL TIMOTHY</b>				DIVISION <b>WTP</b>	
ARRESTING OFFICER(S) <b>SAMUEL/CLAUSS/BARR</b>		SERIAL NO.(S) <b>36906/35203/36705</b>		DETAIL <b>34M68/61/89</b>	
ACTION ADVISED: <input checked="" type="checkbox"/> Booking Charge <b>23152(A) CVC MISO DUI</b> (As appears on A/JIS Charge Table)				BASIC CHARGE: \$ <b>15,000</b>	
<input type="checkbox"/> Additional charges				ADD'L CHARGES: \$	
<input type="checkbox"/> Advise arrestee of immediate cash bailout right (if two or fewer warrants for parking offense or traffic infraction)				ENHANCEMENTS: \$	
<input type="checkbox"/> Release without booking <input type="checkbox"/> Phone call made <input type="checkbox"/> Phone calls refused by arrestee				TOTAL BAIL: \$ <b>15,000</b>	
1. EVIDENCE TO BE BOOKED 2. SUGGESTIONS FOR CONTENTS OF REPORTS. 3. VISITATION RESTRICTION <b>REFUSAL, NO WNTS/WRNTS/PRIORS</b>				RESPONSIBLE INVEST. UNIT	
PAROLE/PROBATION AGENT:			PHONE NO.		TIME TELEPHONIC HOLD PLACED
REASON FOR SEARCH: <input type="checkbox"/> Offense involves a controlled substance <input type="checkbox"/> Articulate and reasonable suspicion that the arrestee is concealing contraband or weapons, regardless of the offense. (explain reasonable suspicion). <input type="checkbox"/> Prior arrests involving weapons, controlled substances, violence, or the appearance and conduct of the arrestee.					
OBTAIN THIS AUTHORIZATION PRIOR TO SEARCH TYPE OF SEARCH AUTHORIZED: <input type="checkbox"/> STRIP <input type="checkbox"/> PHYSICAL BODY CAVITY <input type="checkbox"/> VISUAL BODY CAVITY *Note: Search warrant required. WARRANT NO.					
DATE & TIME OF SEARCH		LOCATION SEARCH CONDUCTED		WATCH COMMANDER APPROVING SEARCH (signature) SERIAL NO.	
SEARCHING EMPLOYEE		SERIAL NO.		DIVISION SEX	
RESULTS OF SEARCH (List items and locations removed from):					
ADVISING INVESTIGATIVE SUPERVISOR (signature) <input type="checkbox"/> Telephonic Advice			SERIAL NO.		DIVISION
WATCH COMMANDER APPROVING BOOKING (signature) <b>W J A (Jenneman)</b>			SERIAL NO. <b>32769</b>		DIVISION <b>HWO</b>
MISDEMEANOR ARRESTS: Circle reason for booking below.			RAP SHEET REVIEWED? YES <input type="checkbox"/> NO <input type="checkbox"/>		
CONDITIONS FOR NON-ELIGIBILITY FOR RELEASE			RAP SHEET REVIEWED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
<ol style="list-style-type: none"> <li>The person arrested is so-intoxicated that he or she could be a danger to himself or herself or others.</li> <li>The person arrested requires medical examination or medical care or is otherwise unable to care for his or her own safety.</li> <li>The person is arrested for one or more of the offenses listed in Section 40302 or 40303 of the Vehicle Code. (EXCEPTION - DUI ARRESTEES MAY BE RELEASED AFTER BOOKING, IF OTHERWISE ELIGIBLE.)</li> <li>There are one or more outstanding felony arrest warrants for the person.</li> <li>The person has one or more outstanding misdemeanor arrest warrants ineligible for release under Section 827.1 of the Penal Code (Manual Section 4/216.67).</li> <li>The person cannot provide satisfactory evidence of personal identification.</li> <li>The prosecution of the offense or offenses for which the person is arrested or the prosecution of any other offense or offenses would be jeopardized by immediate release.</li> <li>There is a reasonable likelihood that the offense or offenses will continue or resume, or that the safety of persons or property will be imminently endangered by release of the person arrested.</li> <li>The person arrested demands to be taken before a magistrate or refused to sign the notice to appear.</li> <li>There is reason to believe that the person arrested would not appear at the time/place specified in the notice.</li> </ol>					
OFFICER MAKING O.R. DETERMINATION <b>W J A (Jenneman)</b>				MISO. WARRANT NO. OR REASON NO.	
DISTRIBUTION: ORIGINAL - ATTACH TO THE ORIGINAL ARREST REPORT; OR TO DFAR IF NO ARREST REPORT OR BKG. COPY - 1 - ATTACH TO JAIL CUSTODY RECORD IF BOOKED; 1 - ATTACH TO DIV. COPY OF ARREST					



**Exhibit B**